

Federal Communications Commission

DA 01-1538

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Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 01-63
Table of Allotments,) RM-10075
FM Broadcast Stations.)
(Kingman and Dolan Springs, Arizona))

REPORT AND ORDER
(Proceeding Terminated)

Adopted: June 20, 2001

Released: June 29, 2001

By the Chief, Allocations Branch:

1. Before the Commission for consideration is the Notice of Proposed Rule Making ("Notice"), (DA 01-561), released March 2, 2001, issued in response to a petition for rule making filed on behalf of Hualapai Broadcasters, Inc. ("petitioner"), licensee of Station KRCY, Channel 224C1, Kingman, Arizona,¹ proposing the substitution of Channel 224C for Channel 224C1 at Kingman, the reallocation of Channel 224C to Dolan Springs, Arizona, and modification of the license of Station KRCY accordingly. Petitioner filed supporting comments in response to the Notice. No other comments were received.

2. As stated in the Notice, the petitioner filed its request pursuant to the provisions of Section 1.420(i) of the Commission's Rules which permits the modification of a station's authorization to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest.² The proposed reallocation of Channel 224C to Dolan Springs, which is not within an urbanized area, is mutually exclusive with the petitioner's current authorization at Kingman. The distance between the two communities is 62.6 kilometers (38.9 miles) whereas 270 kilometers (167.8 miles) is required in this instance. Further, petitioner stated that the reallocation would result in a preferential arrangement of allotments by providing Dolan Springs with its second first local FM service as well as a first competitive service.³

¹ At the time the Notice herein was issued, Station KRCY had been modified from Channel 290C1 to Channel 224C1 at Kingman in MM Docket No. 99-271 (DA 00-1331), released June 16, 2000, but had not filed a license application (FCC Form 302) for the modified facilities. Therefore, the Notice advised the petitioner that final action in this proceeding would be withheld until Station KRCY had received an authorization on Channel 224C1 at Kingman. Petitioner's license modification application for Channel 224C1 at Kingman was granted June 18, 2001.

² See, Modification of FM and TV Authorizations to Specify a New Community of License ("Change of Community R&O"), 4 FCC Rcd 4870 (1989), recon. granted in part ("Change of Community MO&O"), 5 FCC Rcd 7094 (1990).

Kingman will continue to be served locally by Stations KAAA(AM), KFLG(FM) and KGMN(FM).⁴

3. Petitioner stated its intention to relocate the transmitter of Station KRCY, thereby creating signal gain and loss to areas and populations in the event its proposal is granted. The Notice set forth the petitioner's projected gain and loss study. Our engineering analysis determined that the loss area of Channel 224C1 at Kingman contains 27,874 people encompassing an area of 5,533 square kilometers. The gain area of Channel 224C at Dolan Springs contains 100,564 people and covers 15,661 square kilometers. Petitioner's proposal would result in a net service gain of 72,690 people and 10,128 square kilometers. Additionally, the loss area is served by five or more full-time reception services and therefore is considered to be a well served area. The reallocation of Channel 224C at Dolan Springs will also provide service to a few presently underserved areas. In this regard, we note that 448 people in an area of 775 square kilometers will receive a fifth full-time service; 235 people in an area of 1,486 kilometers will receive a fourth full-time service; 825 people in an area of 3,598 square kilometers will receive a third full-time service; a second full-time service will be provided to an area of 230 square kilometers that is devoid of any population; and a first full-time service to an area of 242 square kilometers that is also uninhabited.

4. We believe the public interest would be served by substituting Channel 224C for Channel 224C1 at Kingman and reallocating Channel 224C to Dolan Springs, as well as modifying the license of Station KRCY accordingly. Our determination is based on the showing established herein that the reallocation of Channel 224C to Dolan Springs will result in a preferential arrangement of allotments. Dolan Springs will be provided with its second local aural transmission service and Kingman will not be left unserved.

5. Channel 224C can be allotted to Dolan Springs, Arizona, in conformity with the minimum distance separation requirements set forth in Section 73.207(b)(1) of the Commission's Rules, utilizing the city reference, as specified by the petitioner, at coordinates 35-35-31 NL and 114-16-21 WL.⁵

6. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283

³ Channel 289C is allotted at Dolan Springs.

⁴ The allotment priorities are: (1) first fulltime aural service; (2) second fulltime aural service; (3) first local service; and (4) other public interest matters. Co-equal weight is given to priorities (2) and (3). See, Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982).

⁵ As stated in the Notice, Channel 224C at Dolan Springs conflicts with Channel 224C2, Lake Havasu City, Arizona, licensed to Station KJJJ at coordinates 34-33-06 NL and 114-11-37 WL. However, Channel 272C2 was substituted for Channel 224C2 in MM Docket No. 99-271, supra, and the license of Steven M. Greeley for Station KJJJ was modified accordingly. The effective date of the Report and Order in MM Docket No. 99-271 was July 31, 2000. An application for modification of the license for Station KJJJ has been filed (File No. BMLH-20010514AAR).

of the Commission's Rules, IT IS ORDERED, That effective August 13, 2001, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED with regard to the communities listed below, as follows:

<u>City</u>	<u>Channel No.</u>
Dolan Springs, Arizona	224C, 289C
Kingman, Arizona	234C, 260C2

7. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Hualapai Broadcasters, Inc. for Station KRCY(FM), IS MODIFIED to specify operation on Channel 224C at Dolan Springs, Arizona, in lieu of Channel 224C1 at Kingman, Arizona, subject to the following conditions:

- (a) Within 90 days of the effective date of this Order, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;
- (b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620; and
- (c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

8. Pursuant to Commission Rule Section 1.1104(1)(k) and (3)(m) of the Commission's Rules, any party seeking a change in community of license of a television or FM allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Hualapai Broadcasters, Inc., licensee of Station KRCY(FM), is required to submit a rule making fee in addition to the fee required for the application to effectuate the change in community of license at Dolan Springs, Arizona.

9. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

10. For further information concerning the above, contact Nancy Joyner, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau